

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE APPLICATION OF THP CAPSTAR : 09 CIV. 7069 (DLC)
ACQUISITION CORP. (now known as DMX) . :
: PRETRIAL
: SCHEDULING ORDER
:
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:
Related to :
:
UNITED STATES OF AMERICA, :
Plaintiff :
: 41 Civ. 1395 (DLC)
V. :
:
AMERICAN SOCIETY OF COMPOSERS, AUTHORS, :
AND PUBLISHERS, :
Defendant. :
:
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DENISE COTE, District Judge:

As set forth at the pretrial conference held on August 20, 2009, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. A telephone conference shall be held to address any discovery disputes at **2:30 p.m. on August 31, 2009**.
2. The parties are instructed to contact the chambers of Magistrate Judge Dolinger by **September 11, 2009** in order to pursue settlement discussions under his supervision.
3. All fact discovery must be completed by **February 26, 2010**.
4. Parties' identification of experts and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed.R.Civ.P., must occur by **March 19, 2010**. Disclosure of rebuttal expert testimony must occur by **April 9, 2010**.
5. All expert discovery must be completed by **April 30, 2010**.
6. The Joint Pretrial Order must be filed by **May 28, 2010**.

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DATE FILED: <u>8/21/09</u>

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive memorandum of law is due one week thereafter.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.

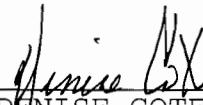
Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial.

Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with two (2) courtesy copies of all these documents at the time they are served, as well as one set of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labelled with the exhibit numbers and placed in a suitable container or box for ready reference.

Dated: New York, New York
August 21, 2009


DENISE COTE
United States District Judge